

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRENT HOILAND,

Plaintiff,

vs.

NFM/WELDING ENGINEERS, INC., et al.

Defendants.

CASE NO. 5:19-CV-02112

JUDGE SARA LIOI

**JOINT MOTION FOR APPROVAL OF SETTLEMENT
AND STIPULATION OF DISMISSAL WITH PREJUDICE**

The parties respectfully move this Honorable Court to review the parties' Settlement and Release attached as an Exhibit to the Declaration of Attorney for Plaintiff, Christopher Wido, and for an Order approving the settlement as fair and reasonable. In support of this Motion, the parties state:

1. Plaintiff, Brent Hoiland, is and was at all times the sole Plaintiff in this matter.
2. Plaintiff's Complaint raises claims only of retaliation under the Fair Labor Standards Act. Plaintiff's Complaint is not a claim for unpaid wages, nor is it a claim for a collective or class action.
3. Defendants denied all claims raised in Plaintiff's Complaint and have raised affirmative defenses to all such claims.
4. The parties have engaged in substantial investigation and exchange of information regarding the factual basis for the allegations in the Complaint.
5. The parties engaged in extensive legal discussions regarding Plaintiff's claims and Defendant's defenses to such claims.

6. The parties agree that bona fide disputes exist between the parties, including whether Plaintiff ever made a complaint to his employer invoking the Fair Labor Standards Act or any matter addressed by the Fair Labor Standards Act, as well as the basis for Plaintiff's termination and many other issues.

7. The parties recognize that there are substantial disputes in this matter, and that the outcome of this matter was uncertain in terms of duration, cost, and results.

8. It is further believed that continued litigation, especially terms of duration, cost, and results, would be risky for all parties.

9. In addition, it became apparent that even if Plaintiff succeeded on the merits of the claim, the amount of recovery is uncertain, and something on which the parties continue to disagree.

10. Plaintiff engaged in extensive negotiations in arriving at the Settlement Agreement and General Release.

11. Plaintiff's counsel has extensive experience in employment litigation, including FLSA retaliation claims.

12. Plaintiff's counsel believes that proposed settlement is in the best interest of the sole Plaintiff in this action.

13. Plaintiff's counsel is entitled to attorney fees pursuant to 29 U.S.C. 216(b).

14. As stated by Attorney Wido's declaration, counsel shall receive attorney fees in the sum of \$3,600.00 which is 40% of the total sum paid by Defendant pursuant to the Settlement Agreement and Release, and \$610.00 for costs reimbursement.

15. Counsel for both Plaintiff and Defendant believes that the settlement in this case is fair and equitable and move that this Settlement and General Release be approved by this Honorable Court and that this matter be dismissed with prejudice.

Respectfully submitted,

/s/ Chris P. Wido (per approval)
Chris P. Wido (0090441)
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/s/ Karen Soehnlén McQueen
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ATTORNEY FOR DEFENDANT,
NFM/WELDING ENGINEERS, INC., AND
MARK HINDLEY

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March 2020, a copy of the foregoing *Joint Motion for Approval of Settlement and Stipulation of Dismissal With Prejudice* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Karen Soehrlen McQueen
Karen Soehrlen McQueen (0016883), of
KRUGLIAK, WILKINS, GRIFFITHS
& DOUGHERTY CO., L.P.A.
ATTORNEY FOR DEFENDANT